

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION**

PROSPECT CAPITAL CORPORATION,)	
Individually and derivatively on behalf of)	
ESA ENVIRONMENTAL SPECIALISTS,)	
INC.)	
)	
Plaintiffs,)	Civil Action No. 3:09-CV-00546
)	
v.)	
)	
NATHAN M. BENDER, DAVID C. EPPLING,)	JURY TRIAL DEMANDED
JACOB COLE, JOHN. M. MITCHELL,)	
SHELTON SMITH, SANDRA DEE COLE,)	
MICHAEL ANTHONY HABOWSKI, DENNIS)	
M. MOLESEVICH, TRACEY HAWEY,)	
ADKISSON, SHERBERT & ASSOCIATES,)	
SMITH & COMPANY, INC. and)	
SUNTRUST BANKS, Inc.)	
)	
Defendants.)	
)	

MOTION FOR EXTENSION OF TIME

NOW COMES the defendant, Sandra Dee Cole, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, before the time for answering expires, and moves for an Order extending the time within which it may serve answer or other response to the Amended Complaint in this action until and including November 28th, 2011.

In support of this Motion, the undersigned submits unto the court that the above-mentioned Amended Complaint was filed in The United States District Court for the Western District of North Carolina Charlotte Division; that the time for answering has not yet expired, and that said defendant needs additional time within which to prepare and serve the answer.

This the 28th day of October, 2011

LUTZEL, BROADWAY & ASSOCIATES, PC

BY:  _____

Richard J. Lutzel, Esq. (NC Bar No.: 24872)
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Attorney for Defendant Sandra Dee Cole

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was served on the Obligors herein by depositing copies thereof in the United States Mail, postage prepaid, addressed to the Obligors as follows:

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Dated this 28th day of October, 2011

LUTZEL BROADWAY & SSOCIATES, PC
Attorneys for Defendant,

A handwritten signature in black ink, appearing to read 'RJ Lutz', is positioned above a horizontal line.

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